



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,728	12/16/2003	Murthi Nanja	30320/17593	3550

4743 7590 05/17/2006

MARSHALL, GERSTEIN & BORUN LLP  
233 S. WACKER DRIVE, SUITE 6300  
SEARS TOWER  
CHICAGO, IL 60606

EXAMINER

CHANG, ERIC

ART UNIT PAPER NUMBER

2116

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/736,728	Applicant(s) NANJA, MURTHI	
	Examiner Eric Chang	Art Unit 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3-24-04</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-21 are pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-8, 11-17 and 19-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent 6,711,447 to Saeed.

4. As to claim 1, Saeed discloses an article comprising a machine-accessible medium having stored thereon instructions that, when executed by a machine, cause the machine to: obtain from a performance monitor runtime performance data indicative of a thread-level utilization [col. 2, lines 7-13]; and based on the performance data, adjust an operating voltage or an operating frequency of the machine [col. 2, lines 46-51].

5. As to claim 2, Saeed discloses the performance monitor [210] is a Performance Monitoring Unit (PMU) [col. 3, lines 11-22].

Art Unit: 2116

6. As to claim 3, Saeed discloses the PMU is part of a central processing unit (CPU) [200] within the machine [col. 3, lines 8-11].

7. As to claim 4, Saeed discloses the PMU includes a plurality of counters for measuring different performance data [col. 2, lines 19-20].

8. As to claim 6, Saeed discloses that in response to the performance data, determining if the operating voltage and operating frequency should be adjusted upward or scaled down [col. 4, lines 5-15].

9. As to claim 7, Saeed discloses comparing the performance data to a voltage and frequency scheduler lookup table that stores at least one voltage value and at least one frequency value [col. 4, lines 10-15].

10. As to claim 8, Saeed discloses obtaining a plurality of runtime performance data [col. 2, lines 19-26]; and in response to the plurality of runtime performance data, adjusting the operating voltage and the operating frequency [col. 2, lines 46-51].

11. As to claim 11, Saeed discloses operating the performance monitor in an operating system environment in communication with a platform hardware environment [col. 3, lines 26-31], and in communication with an end user code, in a user mode [col. 3, lines 60-64].

Art Unit: 2116

12. As to claim 12, Saeed discloses adjusting the operating voltage and the operating frequency [col. 2, lines 60-62].

13. As to claim 13, Saeed discloses a method comprising: obtaining, from a performance monitor, runtime performance data indicative of a thread-level utilization for a central processing unit (CPU) having an operating voltage and an operating frequency [col. 2, lines 7-13]; in response to the runtime performance data, determining if either the operating voltage or the operating frequency is at a desired value [col. 4, lines 10-15]; and in response to the determination, adjusting the operating voltage or the operating frequency [col. 2, lines 46-51].

14. As to claim 14, Saeed discloses adjusting both the operating voltage and the operating frequency [col. 2, lines 60-62].

15. As to claim 15, Saeed discloses adjusting the operating voltage and the operating frequency upward [col. 4, lines 5-15].

16. As to claim 16, Saeed discloses adjusting the operating voltage and the operating frequency downward [col. 4, lines 5-15].

17. As to claim 17, Saeed discloses the performance monitor [210] is a Performance Monitoring Unit (PMU) [col. 3, lines 11-22].

Art Unit: 2116

18. As to claim 19, Saeed discloses the performance data to a voltage and frequency scheduler lookup table that includes at least one voltage value and at least one frequency value [col. 4, lines 10-15].

19. As to claim 20, Saeed discloses benchmarking the CPU [col. 2, lines 7-13]; determining the at least one voltage value and the at least one frequency value in response to the benchmarking [col. 2, lines 47-51]; and creating a lookup table of the at least one voltage value and the at least one frequency value [col. 2, lines 6-7 and col. 4, lines 10-15].

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 5, 9-10, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,711,447 to Saeed in view of U.S. Patent 6,233,690 to Choi, et al.

22. As to claim 5, Saeed teaches the limitations of the claim, including monitoring performance data indicative of thread-level utilization, but does not teach that additional runtime performance data includes cache misses and other data dependency stalls.

Choi teaches that a computer can have its voltage or frequency adjusted due to the monitoring of performance data [col. 1, lines 11-45]. Thus, Choi teaches a performance-based voltage and frequency adjustment similar to that of Saeed. Choi further teaches that the runtime performance data is selected from the group consisting of instruction cache misses, data cache misses, instructions executed, stalls due to data dependency, and data cache write-backs [col. 2, lines 62-67, and col. 3, lines 1-10]. Other stall conditions well known in the art comprise branches executed, branch mis-predicts, instruction translation look-up buffer TLB misses and data translation look-up buffer TLB misses.

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ additional runtime performance data as taught by Choi. One of ordinary skill in the art would have been motivated to do so that power can be saved through the monitoring of processor performance data.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of adjusting processor voltage or frequency due to the monitoring of performance data. Moreover, the additional runtime performance data means taught by Choi would improve the efficiency of Saeed because it allowed for power-saving during long latency machine stalls [col. 2, lines 62-64].

23. As to claim 9, Choi discloses the performance data is an instructions-per-cycle metric [col. 1, lines 40-45].

Art Unit: 2116

24. As to claim 10, Choi discloses the performance data is a memory references-per-cycle metric [col. 3, lines 11-21].

25. As to claim 18, Choi discloses the runtime performance data is selected from the group consisting of instruction cache misses, data cache misses, instructions executed, branches executed, branch mis-predicts, instruction translation look-up buffer misses, data translation look-up buffer misses, stalls due to data dependency, and data cache write-backs [col. 2, lines 62-67, and col. 3, lines 1-10].

26. As to claim 21, Choi discloses adjusting the operating voltage or the operating frequency in response to an instructions-per-cycle metric or a memory-references-per-cycle metric [col. 1, lines 40-45, and col. 3, lines 11-21].

### *Conclusion*

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (571) 272-3671. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2116

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 25, 2006  
ec

  
**LYNNE H. BROWNE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**